

PROB 12A
DMT Rev 8-18

**UNITED STATES DISTRICT COURT
FOR
DISTRICT OF MONTANA
Report on Offender Under Supervision**

Name of Offender: Oscar McGraw

Docket Number: 0977 9:21CR00061-001

Name of Sentencing Judicial Officer: THE HONORABLE LARRY J. MCKINNEY
Reassigned to District of Montana THE HONORABLE DANA L. CHRISTENSEN
Judicial Officer 12/14/2021:

Date of Original Sentence: 09/04/2003

Original Offense: 21:841A=CD.F; CONTROLLED SUBSTANCE - SELL - DISTRIBUTE - OR DISPENSE, 21: 846=CD.F; CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCE

Original Sentence: 6140 Days custody,

Type of Supervision: Supervised Release

Date Supervision Commenced: 05/09/2019

NON-COMPLIANCE SUMMARY

Background

On 09/04/2003, the defendant appeared for sentencing before THE HONORABLE LARRY J. MCKINNEY, UNITED STATES DISTRICT JUDGE, having been found guilty by jury trial of the offenses of 21:841A=CD.F; CONTROLLED SUBSTANCE - SELL - DISTRIBUTE - OR DISPENSE, 21:846=CD.F; CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCE. The offense involved the defendant orchestrating a scheme to obtain and distribute a large amount of methamphetamine. The defendant, acting as an organizer for the Diablo Motorcycle Gang, was held responsible for distributing 640 pounds of methamphetamine during the course of the conspiracy. The defendant was sentenced to life in custody, followed by 10 years of supervised release. On May 9, 2019, the defendant was granted a Compassionate Release and his sentence was commuted. The defendant was released, and he was resentenced to a term of life on supervised release. The defendant began the current term of supervised release on 05/09/2019.

Since that time, the probation officer believes the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Standard condition: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On November 16, 2021, the defendant reported to the U.S. Probation Office. The defendant admitted to consuming marijuana on November 13, 2021.

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U.S. Probation Officer Action:

This is the defendant's first report of violation. The defendant is an elderly man and is undergoing several different medical treatments. The defendant has been prescribed a high dose of opiate pain medications to combat his physical ailments. The defendant admitted he was attempting to use marijuana in place of his opiate medications because the opiates make him sick. The undersigned officer has spoken with the defendant about marijuana being recognized as a controlled substance by the federal government, and it is illegal to use or possess. The defendant acknowledged his restriction from using marijuana and has agreed to refrain from use.

Reviewed

By: 

Derek Hart
Supervising United States Probation
Officer
Date: 12/27/2021

Respectfully Submitted

By: 

David Velasquez
United States Probation Officer
Date: 12/27/2021

ORDER OF COURT

- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☒ Agrees with U.S. Probation Officer's recommendation



Dana L Christensen
United States District Judge

1/3/2022

Date